



## Privacy Policy

### OANDA ASIA PACIFIC PTE. LTD.

#### A. Policy Statement

OANDA Asia Pacific Pte. Ltd. (“OANDA”, “we” and “us”) and our affiliates are fully committed to safekeeping your privacy online and we take our responsibility to protect the information you provide us very seriously. The success of our business builds upon our ability to maintain the trust of our clients. The purpose of OANDA’s Privacy Policy is to provide a summary of the type of personal data that we collect from our customers (“**Personal Information**”) and how such information is collected, used, transferred, disclosed and maintained. The policy does not cover any external third party websites that may be accessed through links provided on our website. We will be the data controller of such Personal Information and will process your Personal Information in accordance with our Privacy Policy.

The use and/or purchase of any of our services is subject to the applicable terms, the use of our website is subject to our website terms of use and this Privacy Policy is incorporated into and forms part of those terms.

#### B. Personal Information OANDA Collects

OANDA collects Personal Information about our customers from the following two main channels:

##### 1. *Website, Account and General Communications*

In order to provide materials and services to you, when you visit our website, request materials from us, register for events, or contract with us, we will collect data from you. We will receive your information in these circumstances, as examples:

- Visiting and using our website
- Account Application Forms and other documents and data submitted by customers, such as customer name, residential address, government issued ID numbers (such as social security numbers), date of birth, email address, employment information, education, investment experience, annual income, and estimated net worth
- Customer Transactions with OANDA such as ordering our products/services, account deposits and withdrawals that require customers to provide bank account and/or credit card related information
- Communications with OANDA including with customer service representatives and our LiveChat function.

We refer collectively to these interactions as “**Website Services**”. We explain below how we collect and use your information collected through the Website Services.

##### 2. *Platform*

If you request access to our FX trading platform and payment portal (the “**Platform**”), we will also collect information about your use of the Platform. The information collected through the Platform will include

usage, performance, analytic and metadata and some of this may include your Personal Information. This does not include the OANDA demo trading account (which falls within the scope of our Website Services).

We wish to assure you that OANDA does not collect more Personal Information than is required to open and operate customers' accounts, and to comply with regulatory compliance and other legal obligations. Apart from Personal Information, we may collect other types of information which is not linked to an individual and is anonymous. For example, traffic pattern information relating to our website or services provided by OANDA and/or third parties we may work with. We may ask for other data voluntarily from time to time (for example, through market research, surveys or promotions) to enable us to improve our service or study the wider needs of our customers or potential customers.

## **Website, Account and General Communications**

### *What We Collect*

We (or third-parties acting on our behalf) may collect your information, including your Personal Information, when providing the Website Services including:

- Name
- Email
- Address
- Phone Number
- Country of Residence
- Date of Birth/Age
- IP address.

## **Platform**

### *What We Collect*

We (or third-parties acting on our behalf) may collect your information, including your Personal Information, when providing access to the Platform including:

- Name
- Email
- Address
- Phone Number
- Country of Residence
- Date of Birth/Age
- Tax Identification Number
- Income
- Income Source
- Level of liquid savings and investment
- IP address
- Employment Status
- Employer Name
- Industry
- Trading Experience
- Offences by way of a background check

- Government Identifiers: Social Security Number/Passport Number & Passport Expiry (which we electronically verify).

### **C. How OANDA Uses Personal Information**

We may hold and retain information about you for various purposes based on different reasons.

#### *1. Website, Account and General Communications*

Some of the information we collect from you we need to enable us to deliver the Website Services to you in accordance with our terms, sometimes we are required by law and regulations to collect and process this information about you. At other times, we consider it is in our legitimate business interests to collect and process this information, taking into consideration your privacy rights. We may use your information to:

- Fulfil your orders or respond to requests you make in connection with providing the services under our terms with you

To provide you with a response pursuant to your request and your agreement with the applicable terms, we will collect and use Personal Information including your name and email address.

- Provide our Website Services to you, including access to a demo account or support through our LiveChat function.

In order to perform the Website Services under the contract between you and OANDA, we have to collect certain Information from you such as your name and contact details. Without this information, we may not be able to deliver the services which you request from us.

- Improve and develop the Website Services

We look for ways to innovate and advance our Website Services. We will use Information about how you use the Website Services, including how you interact with various aspects of the Website Services, the duration for which you use the Website Services and content that is of interest to you, in order to do this. It is in our legitimate business interests to use Personal Information in this way to develop improved Website Services.

- Send administrative information, changes to contract terms or policies

Where we make updates to terms and policies we are required under certain laws and under our contract with you, to notify you of these changes. Other administrative communications, may be necessary in order for us to perform our obligations under the contract with you, or may be sent out in line with our legitimate business interests.

- Send marketing communications like product announcements, educational materials or upcoming online or offline events, where you have not objected to receiving these or with your consent where required. This may also include inviting you to participate in various promotional activities

It is in our legitimate business interests to generate growth for our own business to ensure we continue to generate development for our company and drive sales of our products and services. We will carry out marketing campaigns in accordance with other applicable laws.

- Research and analyse how our Website Services are used via cookies, web beacons and other similar technologies to personalise the Website Services. (For more information about our use of cookies and your choices to opt-out of their use, see “Cookies” at [section L](#) below.)

We use your information in our legitimate business to understand how you interact with our Website Services and to deliver relevant content to you online.

- Diagnose and fix technical issues and monitor the security of our environments

We need to understand how our Website Services are performing in order to prevent and address any issues that may present themselves with regard to technical and security operations. We may process your Personal Information for this purpose in our legitimate business interests to protect the integrity of the Website Services

- To comply with any applicable law, regulation, legal process, or governmental request.
- For any other purpose disclosed to you in connection with our Website Services from time to time

If we intend to process your Personal Information for a purpose other than that set out above, we will provide you with information prior to such processing.

It is also in our legitimate business interests to process your Personal Information to protect our rights or property, or the security or integrity of our Website Services.

**Third-Party Content.** The Website Services may offer access to third party services. These services may collect and use your information. This Privacy Policy does not extend to third-party apps or add-ons (which may also collect your Information) even if packaged by OANDA or offered through the Website Services.

## 2. Platform

We collect Personal Information including payment details, as set out above, in order to provide access to the Platform under the contract between OANDA and you. We are also required to keep these payment details to comply with our own legal obligations.

We also collect and process usage data when you use our Platform (e.g. IP address, session duration, activities undertaken on the Platform and other use data) (“**Usage Data**”) in order to provide, maintain, and improve our Platform.

In addition, we collect and process data about our Platform, features or users in order to improve the Platform (“**Analytics Data**”). Analytics Data may include information about the devices operating the Platform (e.g. browser type/version, OS type/version, device type/version), or such other similar information about user configuration or operation of service features or functionality.

Whilst both Usage Data and Analytics Data may not contain information that we can use to identify you in the “real world” (such as a name or address), we collect this data and store it against a uniquely assigned ID.

We use automated decision making to analyse the transactions you conduct using the Platform and create a profile for your usage. We use algorithms to perform this analysis. This allows us to monitor the transactions for fraudulent activity as well as review general performance of our clients. If this raises concerns about fraudulent activity, we may take steps to close the client account and liaise with regulators as is necessary.

#### *How we use this Platform data*

**Usage Data.** Specifically, OANDA may use Usage Data to:

- Positively identify and determine eligibility of customers opening accounts
- Evaluate whether currency trading is suitable for each customer
- Complete bank deposits and withdrawals
- Effect, administer or enforce transactions requested or authorised by the customer and
- Maintain or service the customer's account with OANDA.

Our lawful basis for using Usage Data is in order to take steps to enter into a contract with you or as is necessary for the performance of a contract already in place between us.

**Analytics Data.** OANDA uses Analytics Data to help us better understand how our Platform is being used, make improvements, and develop new features, products and services. We may use this data to:

- Better understand how our users configure and use our Platform
- Determine which configurations or practices optimise performance (e.g. best practices)
- Perform data analysis and audits
- Identify, understand and anticipate performance issues and the environmental factors that affect them
- Other such business purposes relating to the operation, improvement, or development of our Platform.

The use of this Analytics Data, for the purposes described in the above, is carried out pursuant to our legitimate business interests, to develop, expand and improve our Platform offering.

We are sure to balance our legitimate business interests with your privacy rights and we take steps in how we process and use Usage Data and Analytics Data to protect these.

Personal Information collected online may be combined with other information customers provide to OANDA in hard copy or through the OANDA help desk.

#### **D. Disclosure of Customer Personal Information**

OANDA may disclose Personal Information of current and former customers to affiliated and non-affiliated third party entities in connection with our business, including, without limitation:

- to OANDA's service providers that perform services on OANDA's behalf under written agreements which restrict use of Personal Information to the limited purposes for which it is provided to them and to refrain from further use or disclosure except as permitted by law. This may include companies who perform background checks or identity verification, infrastructure, data analysis, business intelligence, customer relationship platform providers, marketing support services providers, cloud service providers, and IT service providers
- to communicate with credit reference and information agencies
- to OANDA strategic partners to permit them to assess your interest in Website Services, including foreign exchange payments and international money transfers
- to OANDA affiliates, who are permitted to disclose and use the information only to the extent that OANDA may disclose and use the information under this Privacy Policy
- in the ordinary course of business to OANDA's attorneys, accountants and auditors
- to persons holding a legal or beneficial interest relating to the customer's account
- to persons acting in a fiduciary, representative, or attorney capacity in relation to an account
- to protect against actual or potential fraud, unauthorised transactions, claims or other liability
- to government, regulatory or law enforcement agencies to the extent permitted or required by law, or to comply with applicable legal requirements
- to monitor our services, whether provided by ourselves or a third party
- to comply with civil, criminal or regulatory investigations, or judicial process, summons or warrant by relevant authorities or
- in the event of a proposed or actual reorganisation, merger, sale, joint venture, assignment, transfer, or other disposition of all or any portion of OANDA's business, assets or stock (including in connection with any bankruptcy or similar proceedings).

The client confidentiality obligations set out in our Privacy Policy do not and will not apply to, and in respect of, any confidential information required to be disclosed (by us or you) pursuant to any applicable law, or the lawful request of any court of competent jurisdiction, government agency, or regulatory body, provided in each case you (or we) notify and consult with us (or you) in advance and as to the timing and content of such disclosure, except where applicable law prohibits us (or you) from doing so.

Except as stated in this Privacy Policy, OANDA will not share Personal Information about any present or former customer with any non-affiliated third party without the customer's prior written consent.

## **E. How we secure your Personal Information**

All information you provide to us is stored on our secure servers. Where we have given you (or where you have chosen) a password which enables you to access certain parts of our Website Services and Platform, you are responsible for keeping this password confidential. We ask you not to share a password with anyone.

Unfortunately, the transmission of information via the Internet is not completely secure. Although we will do our best to protect your Personal Information, we cannot guarantee the security of your data transmitted to our Website Services and Platform; any transmission is at your own risk. Once we have received your information, we will use strict procedures and security features to try to prevent unauthorised access.

#### **F. Transfer of Personal Information Overseas**

In certain circumstances, we may need to transfer your personal information outside of Singapore. Any such transfer of your personal information outside of Singapore will be carried out in accordance with the Personal Data Protection Act (“PDPA”) requirements.

You acknowledge and give consent to the transfer of your personal information to any member of our group (which means our subsidiaries, our ultimate holding company and its subsidiaries) as well as third party service providers and agents (including lawyers / law firms) outside of Singapore for one or more of the purposes described in this document.

You are entitled to request details of such transfer from us at any time.

#### **G. How long we retain your Personal Information for**

We retain Personal Information (a) in relation to the Platform, for as long as you have an account with us in order to meet our contractual obligations to you and for seven years after that to identify any issues and resolve any legal proceedings, and (b) in relation to Website Services, for 12 months unless such data is likely to relate to a contract you may/have entered into in the future, and subject to any subject access requests you may make. We may also retain aggregate information beyond this time for research purposes and to help us develop and improve our services. You cannot be identified from aggregate information retained or used for these purposes.

#### **H. Do-Not-Call Registry**

From time to time, OANDA and our partners may contact you via call or SMS to inform you about our latest products, services, benefits, promotions and rewards.

If you have previously consented to receiving such calls and messages, you will continue to be updated on our promotions and marketing campaigns. However, if you no longer wish to continue to receive marketing calls or messages, you may withdraw your consent by contacting our Client Experience (“CX”) Department at +65 6579 8289 or [frontdesk@oanda.com](mailto:frontdesk@oanda.com).

For potential customers, we will only contact you via the telephone for marketing and promotional messages/calls after ascertaining that you have not registered with the national Do Not Call (DNC) Registry administered by the Personal Data Protection Commission of Singapore. However, as we may rely on the one-month validity period of our search results, you may inadvertently still receive marketing or promotional messages/calls.

If you had received a telemarketing call from someone representing OANDA although you have registered with the DNC Registry or withdrawn your consent, please inform us at [frontdesk@oanda.com](mailto:frontdesk@oanda.com), or contact us by calling +65 6579 8289.

The above changes will generally not affect informational and service related messages sent by OANDA (e.g. messages relating to your account).

## **I. Consent**

Generally, when we request for Personal Information in the course of providing you a service and / or product and you provide us with such Personal Information, there is implied consent that you agree to provide us with Personal Information in order for us to provide you with the requested service and / or product.

In some circumstances and as required by applicable laws, we will seek your express consent when collecting your personal information. For example, where there are new purposes for the use of your Personal Information, we will seek your fresh consent.

If you do not consent to provide the requisite Personal Information that we need at the point of application or in the course of maintaining your account(s) with us, we may not be able to open account(s) for you or provide the specific service or product that you require. You are entitled to withdraw your consent for the collection of Personal Information by contacting us. However, this may affect our ability to maintain your account(s) with us.

## **J. Situations Not Requiring Consent**

We may share non-personal, non-individual information in aggregate form with third parties for business purposes or we may disclose to our business partners the number of customers in certain demographic groups or who carried out certain transactions.

## **K. Customer Recourse**

Any concerns a customer may have regarding OANDA's Privacy Policy or specific complaints about how customer Personal Information has been collected, used or disclosed should be forwarded in writing to OANDA's Privacy Officer. OANDA will thoroughly investigate the complaint and will take whatever actions are warranted and notify the customer once this has been done.

Under the PDPA, you have the right to obtain a copy of any personal information which we hold about you and to advise us of any inaccuracy that requires a correction. In addition, you are entitled to know how your personal information has been used or disclosed in the past one year.

The PDPA does set out some exceptions to this. For instance, where the amount of effort and resources needed to provide access would be unreasonable or disproportionate to your interests or if we have satisfied ourselves on reasonable grounds that the correction should not be made.

To make a request, you will need to contact us at [privacy@oanda.com](mailto:privacy@oanda.com) and specify what data you require correcting. We may charge a reasonable administrative fee for this service to cover the cost of verifying the application and locating, retrieving, reviewing and amending any material requested. If the personal information sought is extensive, we will advise the likely cost in advance and can help to refine your request if required.

We will acknowledge your request within 30-days and respond promptly to it. In exceptional circumstances, we reserve the right to deny you access to your personal information and may provide an explanation as required by applicable laws.



## L. Cookies

Cookies are small text files placed in visitors' computer browsers to store their preferences. The Website Services, our Platform, and our third party partners, collect and store information that is generated automatically as you use it, including your preferences and anonymous usage statistics.

OANDA collects information about your device and uses tracking mechanisms such as cookies to: (i) facilitate customer use of our website and mobile applications, (ii) enable customisation of our online services and website features, (iii) avoid customer re-entry of data, (iv) store customer preferences for certain kinds of information, (v) enhance security measures, and (vi) gather data about usage of our website and mobile applications for research and promotions.

OANDA uses cookies from third party service providers to facilitate website tracking and security measures and may share the information collected with third parties acting as our service providers, who are required to maintain the confidentiality of the information.

We use these cookies and other technologies on the basis that they are necessary for the performance of a contract with you, or because using them is in our legitimate interests (where we have considered that these are not overridden by your rights), and, in some cases, where required by law, where you have consented to their use.

We use the following types of cookies:

- **Essential** cookies. These are cookies that are required for the operation of our Website Services and/or our Platform and under our terms with you. They include, for example, cookies that enable you to log into secure areas of our Website Services and/or our Platform.
- **Analytical/performance** cookies. They allow us to recognise and count the number of visitors and to see how visitors move around our Website Services and/or our Platform when they are using it. This helps us for our legitimate interests of improving the way our Website Services and/or our Platform works, for example, by ensuring that users are finding what they are looking for easily.
- **Behavioural** cookies. These are used to recognise you when you return to our Website Services and/or our Platform. This enables us, subject to your choices and preferences, to personalise our content, greet you by name and remember your preferences (for example, your choice of language or region).
- **Marketing** cookies. These enable you to experience more relevant online content and see adverts which are aligned with your interests, as indicated by your activity on our site.

Customers can configure their browser preferences not to accept these cookies however this may result in reduced functionality. Some third-party vendors that provide ads on OANDA web pages may use cookies to collect details on customer website visits and other data (but not names, addresses, email addresses, or telephone numbers) in order to provide ads about goods and services of particular interest to individual customers. For more information on this practice or to opt out, customers can visit the Network Advertising Initiative [site](#). Opt-outs are also available for [Google Analytics](#) and [TUNE Marketing](#).

## M. Technology Improvements

We are constantly striving to improve functionality on our website through technology improvements. This may mean a change to the way in which Personal Information is collected or used. The impact of any technology changes which may affect your privacy will be notified to you through this Privacy Policy at the time of the change.

## **N. Links to non-OANDA websites**

The OANDA website may provide links to third-party websites for customer convenience and information. If customers decide to access those links, they will leave the OANDA website. OANDA does not control those third-party sites or their privacy practices, which may differ from OANDA's. OANDA does not endorse or make any representations about third-party websites. Any Personal Information customers choose to give to unrelated third parties is not covered by OANDA's Privacy Policy. Customers should review the privacy policy of any third-party website before submitting Personal Information. Some third-party companies may choose to share their Personal Information with OANDA. That sharing is governed by the disclosing company's privacy policy.

## **O. Notification of Policy and Policy Changes**

OANDA provides an initial notice of its Privacy Policy to customers at the time it establishes a customer relationship, and the Privacy Policy is posted on its website. Updates will be posted on the OANDA website, so our customers will always know what information we collect, how we use it, and what choices they have. This privacy policy was last updated on May 25, 2018.

## **P. For Customers Who Are Resident in the European Union (EU)**

The data that we process in relation to you may be transferred to, and stored at, a destination outside the European Economic Area (EEA) that may not be subject to equivalent data protection law. It may also be processed by staff situated outside the EEA who work for us or for one of our suppliers.

We may transfer your personal information outside the EEA:

- In order to store it
- In order to enable us to provide goods or services to and fulfil our contract with you or the company you work for. This includes order fulfilment, processing of payment details, and the provision of support services
- Where we are legally required to do so
- In order to facilitate the operation of our group of businesses, where it is in our legitimate interests and we have concluded these are not overridden by your rights.

Where your information is transferred outside the EEA, we will take all steps reasonably necessary to ensure that your data is subject to appropriate safeguards, such as relying on a recognised legal adequacy mechanism, and that it is treated securely and in accordance with this Privacy Policy. We may transfer your personal information to the following countries outside the EEA:

- Any member of our group, which means our subsidiaries, our ultimate holding company and its subsidiaries, the details of which are set out in the table below, and for these transfers we use European Commission approved contractual clauses for transfers (referred to as "[Model Clauses](#)")

<b><u>Group Member</u></b>	<b><u>Location</u></b>
OANDA Global Corporation	United States
OANDA Corporation	United States
OANDA (Canada) Corporation ULC	Canada

OANDA Asia Pacific Pte. Ltd.	Singapore
OANDA Japan Inc.	Japan
OANDA Australia Pty. Ltd.	Australia
OANDA India Pvt. Ltd.	India
OANDA Hong Kong Ltd.	China (Hong Kong SAR)
OANDA Business Consulting (Shanghai) Co., Ltd.	China

- Our vendors, details of which are set out below, and for these purposes we use Model Clauses:

<b>Vendor Purpose</b>	<b>Location</b>
Email Service Provider	United States
Cloud Data Storage	United States
Messaging Service Provider	United States
Chat Service for Customer Support	United States, Europe
Team Collaboration Software	United States, Australia
Customer Relationship Management	United States
Identity Verification	United States, Canada
Business Intelligence	United States
Marketing Support Services	United States
Funds Processing	United States, Canada

## Your Data Subject Rights

You have the right under certain circumstances:

- to receive information about the processing of Personal Information concerning you. You are entitled to access your Personal Information
- to request the rectification or erasure of your Personal Information held by us
- to object to the further processing of your Personal Information, including the right to object to marketing
- to request that your provided Personal Information be moved to a third party.

Depending on the context of your request, such as erasure, we may not be able to provide you with access to some or all of the Website Services and/or Platform, since we process your information in order to provide you with such access.

### *Your right to withdraw consent:*

Where the processing of your Personal Information by us is based on consent, you have the right to withdraw that consent at any time by contacting us as per section R below.

### *How to exercise your rights*

You can also exercise the rights listed above at any time by contacting us at [privacy@oanda.com](mailto:privacy@oanda.com)

If your request or concern is not satisfactorily resolved by us, you may approach your local data protection authority (to your habitual residence, your place of work, or an alleged infringement of the General Data Protection Regulation (GDPR)) (see [http://ec.europa.eu/justice/article-29/structure/data-protection-authorities/index\\_en.htm](http://ec.europa.eu/justice/article-29/structure/data-protection-authorities/index_en.htm)). The local data protection authority can provide further information about your

rights and our obligations in relation to your Personal Information, as well as deal with any complaints that you have about our processing of your Personal Information.

#### **Q. Governing Law**

Note that as we are a Singapore registered company, this Privacy Policy has been drafted to be in accordance with the laws of Singapore. We do not represent or warrant that this Privacy Policy complies with the privacy laws of any other jurisdiction and accordingly, you shall not construe this Privacy Policy as such.

#### **R. Contact Us:**

We will never ask you for security information such as passwords over the phone or by email. If you receive a call or email which you are not sure has come from OANDA Asia Pacific Pte. Ltd., please contact us at [infosec@oanda.com](mailto:infosec@oanda.com).

We value our customers' opinions. If they have comments or questions about our Privacy Policy, they are invited to us at [privacy@oanda.com](mailto:privacy@oanda.com) or write to us at: **Privacy Office, OANDA Asia Pacific Pte. Ltd., 50 Collyer Quay, #04-03 OUE Bayfront, Singapore 049321.**